

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ABCDE OPERATING, LLC, A Limited
Liability Company, Doing Business As
THE PENTHOUSE CLUB,

Plaintiff

Case No: 2:09-CV-14969
HON. GEORGE CARAM STEEH

-vs-

THE CITY OF DETROIT, A Municipal
Corporation, KARLA HENDERSON,
Individually and in Her Official Capacity
As Director of the DEPARTMENT OF
BUILDING & SAFETY ENGINEERING,
A Municipal Agency, and JANICE M.
WINFREY, Clerk of THE CITY OF
DETROIT, in her Official Capacity,

**ORDER GRANTING DECLARATORY
JUDGMENT**

Defendants.

TIMOTHY P. MURPHY (P25941)
timothypmurphy@ameritech.net
Attorney for Plaintiff
20816 East 11 Mile Road, Suite 111
St Clair Shores, Michigan 48081-1578
586.779.8416 fax 313.344.7420

ERIC B. GAABO (P39213)
gaabe@law.ci.detroit.mi.us
Attorney for Defendants
660 Woodward Ave., Ste. 1650
Detroit, MI 48226
313.237.3052

ORDER GRANTING DECLARATORY JUDGMENT

Upon consideration of the First Amended Verified Complaint seeking a Writ of Mandamus, the Exhibits attached to the First Amended Verified Complaint, the Stipulations of Facts submitted jointly by the parties and the arguments of counsel at the hearing on this Court's Order to Show Cause, and the Court being advised in the premises,

The Court finds that the Plaintiff was entitled to the approval of the Detroit City Council and the Chief of Police on its Petition 1313 requesting the transfer of Entertainment and Topless Activity Permits pursuant to MCL § 436.1916(10) and *City Council Procedures and Criteria for Michigan Liquor Control Commission Activity Permits*, upon the submission of the Petition to City Council on November 20, 2009;

IT IS ORDERED that Plaintiff's Petition 1313 is deemed approved by the Detroit City Council within the meaning of MCL § 436.1916(10)(b) and approved by the Chief of Police within the meaning of MCL § 436.1916(10)(c).

Entry of this Order and the Order Regarding Submission of Approval to Michigan Liquor Control Commission Pursuant to MCL § 436.1916(10) closes this case; the Court retains jurisdiction to enforce this judgment.

Dated: January 21, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Approved as to form:

s/Timothy Patrick Murphy
Attorney for Plaintiff

s/Eric B. Gaabo
Senior Assistant Corporation Counsel
Attorney for Defendants